

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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AIMEE BEVAN, as Personal Representative of
the Estate of Desiree Gonzales, deceased,

Plaintiff,

-vs-

Case No. 1:15-CV-00073-KG-SCY

SANTA FE COUNTY, MARK GALLEGOS,
Deputy Warden/Acting Youth Development
Administrator, in his official and individual
capacities, GABRIEL VALENCIA, Youth Development
Administrator, Individually, MATTHEW EDMUNDS,
Corrections Officer, Individually, JOHN ORTEGA,
Corrections Officer, MOLLY ARCHULETA, Corrections
Nurse, Individually, ST. VINCENT HOSPITAL, and
NATHAN PAUL UNKEFER, M.D.,

Defendants.

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EXAMINATION BEFORE TRIAL of

MICHAEL D. COHEN, M.D., held at Breakell Law
Firm, 10 Airline Drive, Albany, New York on
Thursday, January 21, 2016, commencing at
10:35 a.m., before NORA B. LAMICA, Court Reporter
and Notary Public in and for the State of New York

1 (Exhibit 101 marked for identification.)

2 **Q.** Doctor, just in terms of kind-of a basic
3 chronology for the case, I think what the -- what
4 you're contending in terms of just a general
5 overview of the case is that Desiree Gonzales was
6 a juvenile who overdosed at about 7:30 p.m.. She
7 was given Narcan by EMTs. She was then
8 transported to St. Vincent's Hospital, where she
9 was observed for a period of time. She received
10 a medical clearance from that facility, and then
11 she arrived at the YDP, the county facility I
12 represent, about two to three hours after the
13 overdose and after she received the Narcan, and
14 then later began to develop symptoms consistent
15 with a recurring overdose. Is that kind-of a
16 basic working fact pattern for you here?

17 **A. That's a basic fact pattern, I think, but I**
18 **really didn't express an opinion about the**
19 **original overdose, or the EMT resuscitation in**
20 **the field, or the hospital care prior to her**
21 **transfer.**

22 **Q.** And I'm not asking you to do that. I'm just
23 trying to see if we can agree that that's the
24 basic working fact pattern that you're dealing

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1 with here?

2 **A. Could you repeat the part about what happened at**
3 **the detention center?**

4 **Q.** Sure. She arrived at the YDP approximately two
5 to three hours after her overdose and receipt of
6 Narcan, and then -- and began to exhibit symptoms
7 consistent with recurrence of the overdose?

8 MR. TAYLOR: Form.

9 **A. I guess so. Symptoms consistent with heroin**
10 **overdose. Whether it's recurrent or continuing,**
11 **I don't know that.**

12 **Q.** And I'm not asking you to. What I am going to
13 ask you, though, is how many times in your career
14 have you seen this particular fact pattern of a
15 juvenile overdosing, receiving Narcan, going to
16 the hospital, getting a medical clearance, and
17 then going to a detention facility with the
18 clearance, and then developing either a
19 recurrence or a continuing overdose?

20 **A. I have not seen that before.**

21 **Q.** You would agree with me this is a very unusual
22 case?

23 MR. HUNT: Object to the form.

24 **A. I don't know that.**

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1 **Q.** You've never encountered it, correct?

2 **A. Correct.**

3 **Q.** How many years have you been practicing in the
4 juvenile detention setting?

5 **A. Well, I was in a state agency for twenty years in**
6 **a largely administrative position, where we did**
7 **not have youth coming from the street into our**
8 **facilities. I spent one year working at the**
9 **New York City jail at Riker's Island, which was a**
10 **pre-adjudication detention facility, but the**
11 **youth coming into our custody at that time had**
12 **usually spent two or three days in police lockup**
13 **and central booking before they got to the**
14 **island. So it would not have occurred in the**
15 **settings in which I practiced.**

16 **Q.** I see. So you've never encountered this
17 particular fact pattern?

18 **A. That's right.**

19 **Q.** And have you talked to any colleagues that have
20 ever experienced a fact pattern like this?

21 **A. No.**

22 **Q.** Are you aware of any discussion in any medical
23 literature that describes a fact pattern like
24 this?

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1 **A. I've seen discussions of recurrent overdose, but**
2 **not exactly this fact pattern.**

3 **Q.** I see. And I got a -- what's been called a
4 supplemental expert report from you by
5 plaintiff's counsel last Friday, January 15th.
6 You're aware of that supplemental report?

7 **A. Yes.**

8 **Q.** And so the opinions that you're expressing in
9 this case are based on seven months of work and
10 reflection on the various -- at least seven
11 months on the various records and materials in
12 the case, correct?

13 **A. Yes.**

14 **Q.** You've had the benefit of hindsight, correct?

15 **A. Well, I didn't have all the documents available**
16 **to me for seven months. Some of the documents**
17 **were only made available in December, in**
18 **particular the depositions and the sheriff's**
19 **report and the training records.**

20 **Q.** But you've had an opportunity, during the time
21 that you worked on the case, to reflect back over
22 with an extensive period of time about the facts
23 and the circumstances, correct?

24 **A. Yes.**

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